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EXAMINER				
TRINH, TAN H				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/612,789

**Applicant(s)**

PITRODA, SATYAN G.

**Examiner**

TAN TRINH

**Art Unit**

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-8, 12-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-8, 12-16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4, 12-14 and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Arditti (U.S. Patent No. 5,991,413) in view of Gutierrez (U.S. Pub. No. 2008/0033870).

Regarding to claim 12, Arditti teaches a method of distributing virtual pre-paid cards (see fig. 1, (see col. 1, line 15-53) comprising:

a) creating a plurality of virtual prepaid cards (see fig. 1, col. 8, lines 11-23). In this case, the creating a plurality cards is repeating the processing and increment of the version number and security processing of new cards.

b) downloading bathes of virtual pre-paid cards to the retail electronic transaction device (see col. 1, line 45-col. 2, line 61). In this case, Arditti teaches the downloading a virtual pre-paid cards from the service supplier with more than one cards (see col. 1, lines 65 show the virtual pre-paid **cards**). That is obvious the downloading bathes of virtual pre-paid cards (this mean a baths is more than one card).

(c) and transferring one of virtual pre-paid cards from the retail electronic transaction device to MO subscriber handset (see fig. 1, col. 4, lines 53-col. 5, lines 64). In this case, after sale service, that of the purchased the transferring virtual pre-paid card from the retail electronic transaction device to mobile phone and finally that the phone connection, since transferring the one of

virtual pre-paid cards from the retail electronic transaction device to MO subscriber handset with the numbers associated with each card, which are increment when the *corresponding cards* are empty or obsolete, and than can be activated again with authorized from the server.

However, the related art, reference of Gutierrez teaches the downloading bathes of virtual card code to the point of sale (POS) transaction device 14, this is be done by computer to download of the information from card supplier to financial institution at the time a batch of card is manufactured or created (see fig. 1-3, tables 1-2, and page 4, section [0049]). In this case, the Gutierrez teaches a downloading a bath of virtual cards code information of the card for transaction and record.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Arditti with Gutierrez, in order to provided sale agents to distribution flag is set at the time that record is created and computer resets activation flag for card is a non-activated card (see suggested by Gutierrez on page 4, section [0049]).

Regarding to claim 3, Gutierrez teaches the digital representation of information (96) corresponding to information stored on a physical card (95) comprises an authorization code (99) or (8937) (see fig. 4 and 5, information stored on a physical card (95), table 1-2, page 4, section [0043-0044]).

Regarding to claim 4, Gutierrez teaches the digital representation of information corresponding to information stored on a physical card (95) comprises an image of a card (see page 5, section [0053]).

Regarding to claim 13, Arditti inherently teaches the step of transferring payment information from the MO subscriber handset to the retailer electronic transaction device (see fig. 1-2, col. 1, line 44-58). In this case, the user purchase and transferring the payment can be use the phone (10) on fig. 2 or can be using the mobile phone.

Regarding to claim 14, Arditti inherently teaches the step of creating the plurality of virtual cards is performed by an electronic transaction device service center (service provider) (see fig. 1 and 2, col. 5, lines 33-col. 6, lines 40). In this case, the creating a virtual cards is performed by an electronic transaction device service center France Telecom network.

Regarding to claim 16, Arditti teaches downloading the virtual card to a retailer electronic transaction device occurs via a MO switch (see fig. 1-2, service provide, of mobile phone (France Telephone Network, col. 5, lines 65-col. 6, lines 3). In this case, France Telephone Network can be MO switch.

3. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arditti (U.S. Patent No. 5,991,413) in view of Gutierrez (U.S. Pub. No. 2008/0033870) further in view of Resnick (U.S. Pub. No. 20010001321).

Regarding to claim 5, Gutierrez teaches the digital representation of information corresponding to information stored on a physical card comprises value information (see fig. 4-5, table 1-2, page 4, section [0043-0044]), Arditti teaches the telephone service charge or minute of

communication or any other fraction of service (see col. 1, lines 50-51). But Arditti or Gutierrez does not mention the value information comprising a quantity of minutes corresponding to a pre-paid telephone account.

However, Resnick teaches a quantity of minutes corresponding to pre-paid telephone account (see page 1, session [0004], lines 1-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Arditti and Gutierrez with Resnick on pre-paid telephone account thereto in order to provide user with the convenience for prepaid wireless service.

Regarding to claim 6, Arditti teaches the payment information (see col. 1, lines 45-57). But Arditti or Gutierrez does not mention the cash payment information.

However, Resnick teaches the cash payment information (see fig. 2, page 1, session [0003] and session [0006]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Arditti and Gutierrez with Resnick on cash payment, thereto in order to provide the convenience for user with cash payments at a multitude of merchant locations.

Regarding to claim 7, Resnick teaches the cash payment information includes an identification of a person is providing a cash payment. That is obvious to create a trace of their

subscriber and created a profile for each subscriber whether they use cash or credit card (see rejection above on claim 6 and claim 8).

Regarding to claim 8, Gutierrez teaches the payment information comprises credit payment information (see page 1, section [0005], and page 7, section [0072]).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arditti (U.S. Patent No. 5,991,413) in view of Gutierrez (U.S. Pub. No. 2008/0033870) further in view of Pitroda (U.S. Patent No. 6769607).

Regarding to claim 15, Arditti does not mention the transferring payment information and subscriber information from the MO subscriber handset to the retailer electronic transaction device; transferring the payment information and subscriber information from the retailer electronic transaction device to the electronic transaction device service center.

However, Pitroda teaches the transferring payment information and subscriber information from the MO subscriber handset to the retailer electronic transaction device (see fig. 3, mobile phone and PDA to retailer electronic transaction device and POS); transferring the payment information and subscriber information from the retailer electronic transaction device to the electronic transaction device service center (see fig. 3, POS to merchant mainframe and transaction network, col. 10, lines 3-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of the teaching of Arditti and Gutierrez with

Pitroda, in order to provide authorized and identify on the transaction using mobile handset and POS is easier.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arditti (U.S. Patent No. 5,991,413) in view of Gutierrez (U.S. Pub. No. 2008/0033870) further in view of Hertzog (U.S. Pub. No. 20030069874).

Regarding to claim 19, Arditti fails to teach the virtual card comprising logo and branding information. Such teaching is taught by Hertzog (see figs. 9A-C, with picture, company, name and logo on the virtual card).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of teaching of Arditti and Gutierrez with Hertzog, in order to provide user with display logo or name in virtual card.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 3-8, 12-16 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 12 has been amended to recite, in independent form, the subject matter previously claimed in claim 12 and claim 17. Claim 17 is canceled. Accordingly, claim 12, as amended incorporated with claim 17 of the downloading a batch virtual card. However, the examiner has been found the new art related to the subject mater, therefore, the claim 12 is moot in view of the new ground(s) of rejection.



*Conclusion*

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh  
Division 2618  
March 14, 2008

/TAN TRINH/  
Primary Examiner, Art Unit 2618  
03-14-2008